

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSEPH RAIMONDO,

Plaintiff,

vs.

Case No. 10-CV-15107
HON. GEORGE CARAM STEEH

DENISE PAGE HOOD, *et al.*,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Joseph Raimondo, filed a seven count complaint on December 23, 2010 against the Honorable Denise Page Hood, United States District Judge, among other officers, judicial and otherwise. Plaintiff's complaint has not yet been served.

Plaintiff's 100-page, incoherent, and rambling complaint is subject to dismissal. Raimondo paid the requisite filing fee, therefore his complaint is not subject to screening for *sua sponte* dismissal under 28 U.S.C. § 1915(e)(2). *Benson v. O'Brian*, 179 F. 3d 1014 (6th Cir. 1983). Generally, a court may not *sua sponte* dismiss a complaint where the filing fee has been paid unless the court gives the plaintiff notice and an opportunity to amend the complaint. *Tingler v. Marshall*, 716 F. 2d 1109, 1111-12 (6th Cir. 1983). However, "a district court may, at any time, *sua sponte* dismiss a complaint for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure when the allegations of a complaint are totally implausible, attenuated, unsubstantiated, frivolous,

devoid of merit, or no longer open to discussion." *Apple v. Glenn*, 183 F. 3d 477, 479 (6th Cir. 1999).

The gist of plaintiff's allegations appear to be his dissatisfaction with the Honorable Denise Page Hood's rulings concerning five cases previously filed by plaintiff. Plaintiff's unsubstantiated allegations against a judicial officer of this court are totally implausible, and devoid of any merit. The court notes that this is the second complaint filed by plaintiff containing similar incoherent, unsubstantiated and totally implausible allegations. See *Raimondo v. United States District Court Judge Denise Page Hood*, case number 06-cv-15007 (Hon. John Corbett O'Meara). Plaintiff's complaint is dismissed in its entirety. *Apple*, 183 F.3d at 479.

Accordingly,

Plaintiff Joseph Raimondo's December 23, 2010 complaint is hereby DISMISSED.

SO ORDERED.

Dated: January 12, 2011

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on January 12, 2011, by electronic and/or ordinary mail and also to Joseph Raimondo at P.O. Box 330, Armada, MI 48005.

s/Josephine Chaffee
Deputy Clerk